

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
NORTHWESTERN DIVISION**

United States of America,	)	
	)	<b>ORDER GRANTING CONTINUANCE</b>
Plaintiff,	)	
	)	
vs.	)	
	)	Case No. 4:09-cr-006
Darren Michael Henry,	)	
	)	
Defendant.	)	

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Before the Court is a “Stipulation for Continuance and Waiver of Speedy Trial Rights” filed on February 18, 2009. The trial is currently scheduled to commence on March 24, 2009. Counsel have stipulated that:

- 1) The case agent for the United States, SA Tim Morris, DHS, based in Chicago, Illinois, has a previously scheduled training event that prevents him from participating in the preparation of witnesses. Current Department of Justice policy requires the presence of an agent when interviewing and preparing witnesses for trial.
- 2) Defendant Darren Michael Henry, has a previously-scheduled medical appointment for a CT scan. These types of examinations are typically scheduled far in advance and are not easily rescheduled in a timely manner.

The Court does find that there is good cause to continue the trial and that the ends of justice are best served by continuing the trial pursuant to 18 U.S.C. § 3161 (h)(8)(A). See United States v. Hohn, 8 F.3d 1301 (8<sup>th</sup> Cir. 1993); United States v. Driver, 945 F.2d 1410, 1414 (8<sup>th</sup> Cir. 1991). Accordingly, the Court **ADOPTS** the stipulation (Docket No. 17). The trial shall be rescheduled for Tuesday, May 12, 2009, at 9:30 a.m. in Minot before Judge Hovland. A two (2) day trial is

anticipated. All time which elapses from the date of this order until trial shall be excluded from any Speedy Trial Act calculation. See 18 U.S.C. § 3161(h)(8)(A), and (h)(8)(B)(iv).

**IT IS SO ORDERED.**

Dated this 19th day of February, 2009.

/s/ Daniel L. Hovland

Daniel L. Hovland, Chief Judge  
United States District Court